IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 19TH OCTOBER 2007 / 27TH ASWINA 1929

OP.No. 5289 of 2000(D)

PETITIONER:

SANTHA JOSE, HIGHER SECONDARY SCHOOL TEACHER (MALAYALAM), ST.ANTONY'S HIGHER SECONDARY SCHOOL, PLASSANAL, PALA, KOTTAYAM DISTRICT.

BY ADV. SRI.C.P.SUDHAKARA PRASAD
SRI.ELVIN PETER P.J.

RESPONDENTS:
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1) **STATE OF KERALA, REP: BY THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.**

2) **THE DIRECTOR OF HIGHER SECONDARY EDUCATION, HOUSING BOARD BUILDINGS, SANTHI NAGAR, THIRUVANANTHAPURAM.**

3) **THE MANAGER, CORPORATE EDUCATIONAL AGENCY, DIOCESE OF PALA, PALA.**

BY GOVT. PLEADER SRI.P.A. SALIM.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 19/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP.NO.8789 OF 2000 IN OP.NO.5289 OF 2000-D.

DISMISSED.

19.10.2007. **Sd/- T.R.Ramachandran Nair, Judge.**

PETITIONER'S EXHIBITS:-

Ext.P1: **COPY OF APPOINTMENT ORDER NO.488/98/HSE, DATED 15/9/1998 ISSUED BY THE 3RD RESPONDENT.**

Ext.P2: **COPY OF ORDER DTD.15/7/1999 ISSUED BY THE 2ND RESPONDENT.**

Ext.P3: **COPY OF ORDER GO(Ms)No.18/91/G.Edn., dtd.1/2/1991.**

Ext.P4: **COPY OF ORDER GO(Ms)No.162/98/G.Edn., dtd.13/5/1998.**

Ext.P5: **COPY OF CERTIFICATE OF MERIT DTD.19/9/1998 ISSUED TO THE PETITIONER.**

Ext.P6: **COPY OF ORDER GO(Ms)No.110/99/G.Edn., dtd.13/5/1999.**

Ext.P7: **COPY OF ORDER GO(Ms)No.268/99/G.Edn., dtd.3/11/1999.**

Ext.P8: **COPY OF ORDER GO(Ms)No.289/99/G.Edn., dtd.25/11/1999.**

Ext.P9: **COPY OF PROSPECTUS FOR STATE ELIGIBILITY TEST - 2000 ISSUED BY THE 2ND RESPONDENT.**

Ext.P10: **COPY OF ORDER GO(Ms)No.341/99/G.Edn., dtd.30/12/1999.**

Ext.P11: **COPY OF ORDER DATED 9/2/2000 IN CMP.NO.1237/2000 IN OP.NO.813/2000 OF THIS HON'BLE COURT.**

RESPONDENTS' EXHIBITS:- **Nil.**

(true copy)

P.A. TO JUDGE.

Kvs/-

T.R.RAMACHANDRAN NAIR, J.

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O.P.No. 5289 of 2000-D.

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Dated this the 19th day of October, 2007.

J U D G M E N T

The petitioner is a Higher Secondary School Teacher in Malayalam, who was appointed as per Ext.P1 order. The said appointment was approved by Ext.P2 order of the 2nd respondent also. She had been continuing with the 3rd respondent Corporate Educational Agency based on the said appointment. As per Ext.P7 dated 3.11.1999 the Government appointed expert committee to prepare scheme for the State Eligibility Test for the candidates who are selected as Higher Secondary School Teachers. Thereafter, by Ext.P8 it was specifically stated that those who have acquired Ph.D., M.Ed. or M.Phil and those who have passed the NET/JRF will be exempted from passing the said test. The petitioner is a post graduate, i.e. MA in Malayalam with B.Ed. But the Government by Ext.P10 dated 13.12.1999 modified the regulations and ordered that the State Eligibility Test will be made applicable to all the Higher Secondary Teachers who have been appointed after the academic year 1995-96. It was also specified that only those teachers appointed prior to 1995-96 in Higher Secondary on permanent basis are exempted from appearing the test. As far as the others are concerned they will be given two consecutive chances to pass the State Eligibility Test. The same is challenged

by the petitioner on the ground that the introduction of the test retrospectively is not legally permissible.

2. The learned counsel for the petitioner submits that the petitioner has passed the test on 10/6/2000. It satisfies the stipulations provided in Ext.P10. In the light of the above, I am of the view that the validity of Ext.P10 need not be gone into this writ petition. Therefore the writ petition is closed without prejudice to the contentions raised by the petitioner in the writ petition and it is recorded that the petitioner has already passed the State Eligibility Test. The petitioner will be free to agitate other subsisting grievance, if any, before the statutory authorities. No costs.

T.R.RAMACHANDRAN NAIR, JUDGE.

Kvs/-